

Abdur-Rahman: Nelson-Bey
40: ABS 948 CS 257
NFCF 1605 East Main Street
Sayre, Oklahoma 73662
Without Prejudice vcc1-207
Sui. Juris

FILED

JAN 03 2012

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY [Signature] DEPUTY

IN THE UNITED STATES DISTRICT
COURT WESTERN DISTRICT FOR OKLAHOMA

Abdur-Rahman: Nelson-Bey, et al. **CIV-12-08 HE**
and on behalf of all Muslims
Similarly Situated. Plaintiffs
VS. } CIVIL RIGHTS COMPLAINT
} PURSUANT TO 42 U.S.C. § 1983
B. Barton, Grievance Coordinator.
Correction Corporation of America
Fred E. Figueroa, Warden, et al.
Patricia Macumber, Library Custodian
Ms. West, Library Librarian
Mr. Griffin, Assistant Kitchen Food Director

JURISDICTION & VENUE

1. This is a Civil rights Complaint action authorized by 42 U.S.C. Section 1983 to redress a continuous pattern of deprivations under color of authority of rights secured by the Constitution of the United States of America. The Court has jurisdiction under 28 U.S.C. Section 1331 & 1343 (A)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 & 2202. Plaintiff claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 & Rule 65 F.R.C.V.P.

2. The United States District Court for Oklahoma is the appropriate venue under 28 U.S.C Section 1391(b)(2) because it is where the events giving rise to these claims occurred.

II PLAINTIFF

3. Plaintiff Abdur-Rahman: Nelson-Bey is a California state prisoner in the custody of the California Department of Corrections and Re-habilitations. He is currently Confined in California out-of-state prison Northfork Correctional Facility, Operated, and Controlled by Correction Corporation of America in Sayre, Oklahoma, herein mentioned "CCA" "NFCF".

III DEFENDENTS

4. Defendant CCA is legally responsible for the overall operation of Northfork Correctional Facility and each out-of-state facility under its jurisdiction via Contract. 10 Burton Hills Blvd. Nashville TN. 37215

5. Defendant Fred E. Figueroa is the warden of Northfork Correctional Facility and is legally responsible for the operation of the "NFCF" and for the welfare of all the inmates at "NFCF." 1605 East Main Street. Sayre Oklahoma 73662

6. Defendant B. Barton Grievance Coordinator is responsible for handling grievances, filing and responding. NFCF 1605 East Main Street Sayre, Oklahoma 73662.

7. Patricia Macumber is legally responsible for the operation of the law library. Defendant. NCF 1605 East Main Street Sayre, Oklahoma 73662

8. Mr. Griffin Assistant Kitchen food Direct is responsible for the operation of the overall feeding of inmates, and operation of the kitchen. Defendant NCF 1605 East Main Street Sayre, Oklahoma 73662

9. Ms. West Defendant is responsible librarian. NCF 1605 East Main Street Sayre Oklahoma 73662.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

CCA has abolished its Grievance procedure, which seem to avoid liability see Exhibit (F). The Plaintiff has used the California procedure that is not applicable to CCA's Employees nor IT self. Form 22 is a request form, and a 602 is a grievance form for California inmates housed in California see Exhibit G. Plaintiff has tried to use the California procedure to comply with the Prison litigation act of 1995 42 U.S.C. § 1999e(a), but California highest and lowest level has stated that even their procedure is not the proper form leaving Plaintiff without the possibility to obtain an administrative remedy see Filed class action 602 Exhibit G. Plaintiff exhausted his remedy here with a conversation on all issues on 4/18/2011 in response to the form 22 request which were all denied.

CLAIM I.

Violation of Plaintiff's First Amendment Constitutional rights and 42 U.S.C § 2000cc et seq. Religious Land Use Institutionalized Persons Act herein mentioned "RLUIPA". Denial of the right to free religious exercise.

STATEMENT OF CLAIM I.

On March 5, 2009, The plaintiff was involuntarily transferred and recieved here at Northfork Correctional Facility, a California out-of State prison, run and controlled by Corporation Corrections of America, and it supervisor/Warden Fred E. Figeroua.

On or about March 7, I attended an introduction to the Prison "orientation" I personally addressed Fred E. Figeroua regarding our religious rights as Muslims in regards to worship, religious material, religious identity the ability to wear Kufi's as a sincer religious practice, and Halal meat diet. He stated all this will be provided except the wearing of any religious headgear out-side of the worship area.

Plaintiff explained to the Warden Fred E. Figeroua that the meals he was being served were all un-Halal meat based meals. After informing in take-of my need of a religious Halal meat diet as provided for California inmates. He suggested I get with the Chaplin. but made no attempt to fix the problem.

The Plaintiff got with the Chaplin on or about 4/1/10 after being released to a regular program unit from orientation unit, and requested to be placed on the halal diet list. The Chaplin informed

The plaintiff that "CCA" does not provide Halal meals, only vegie and Kosher for jews. I then informed the chaplin Mr. Wright a "Christian" that to denie me an Islamic Halal diet violates my Constitutional and Federal rights. He informed me the Plain tiff that, he had no Controll and contacted the warden. The answer he recieved from the Warden Fred E. Figeroua, a Confirmation that "CCA" does not provide such meals, Although Halal meat diets are Sereved to other California inmates pursuant to 15 C.C.R 3054.3 which states: "Religious meat alternates (meat that has been certified as halal shall be available at all institutions." This includes California out-of-state prison, but to my dismay I was deliberately deprived of my right to have an halal meat diet

I was forced to not only modify, but also be tray my religious beliefs and settle for a non-meat base meal "vegie diet," not consistant with Plaintiff religious beliefs. The vegie meals were so oppressive, non-nutritious, inadequate and disporporciante and cold served with nothing but un-real Cheese, penut butter boiled eggs unseasoned noodles, Plaintiff became so constipated that on 7/11/10 plaintiff was perscribed milk magnesia after not being able to use the bathroom and have a proper bowl movement, and when plaintiff did it was so hard that, on several occassions it caused bleeding and sever pain.

I, requested to be removed from the diet, but the doctors told me, since it was authorized by the chaplin he had to remove me from the diet. Plaintiff explained to the doctor that I made the request on 7/4/10 but did not recieve a reponse, she said she would note it.

on 7/14/10 I, the plaintiff recieved the request that I was taken off. The plaintiff was then forced to completely violate his religious beliefs and consume un-halal meat just to not starve or become severly constipated and be subjected to a cruel tasting

medicine. See Exhibit (C9). By Consuming un-halal meat under force, I suffered from mental stress and mental anguish do to the fact that to consume such meat is a direct violation of my religious belief and central tenet of my religious principle. (See Exhibit (C8) for guidelines for establishing a partial halal kitchen in prison system, from IFANCA Experts in halal implementation.)

On or about 8/28/10 the plaintiff requested to be placed on a Kosher Jewish meal diet, because Muslims are allowed to eat the food of Jews, holding that they slaughter according to the laws of their religious book. The Plaintiff was discriminately denied and told by the Warden Fred E. Figeroua and Chaplin Wright, that I could not be accommodated with a Kosher meal. On 8/28/10 I filed a grievance 1st level grievance which B. Barton said could not be filed, because of abusive language see Exhibit (C)

On or about 9/3/10 plaintiff filed the 2nd level grievance but again the grievance was never filed pursuant to ISC.C.R 30084.7(C) (1) which states that "When circumstances are such that the regular appeal limits may result in a threat to appellant's safety or cause other serious or irreparable harm, the appeal shall be processed as an emergency appeal." Which clearly demanded that he file the grievance. Subsequently nothing was done I was still denied my religious halal diet. see exhibit (D) for a total of six month plaintiff was deliberately and intentionally deprived of his Constitutional rights to be accommodated with an halal meat diet. By such failure to file grievances B. Barton the grievance coordinator has helped in a conspiracy to deprive Plaintiff of his religious rights under the First Amendment and RLUIPA 42 U.S.C. § 1983 § 2000cc et. seq. Denial of a religious meal and the usage of my Muslim name see Exhibit (E), and has denied the Plaintiff the right to a redress of grievance protected by the First Amendment.

CLAIM II.

Subjected to Cruel and Unusual Punishment for religious practices in violation of The Eighth Amendment to the United States Constitution, and Continuous First Amendment and "RLUIPA" 42 USC 2000cc.

STATEMENT OF CLAIM

II

Because of the extreme volume of complaints from the whole Muslim Community here at "NFCF" alleging violations of our right to a religious halal diet. On or about 10/2010, CCA through its Warden Fred E. Figeroua, a religious halal meat was served, with dinner only.

I, was placed on the diet list, but to my dismay, the meals were worst. They consist of two veggie meals one for breakfast and one for lunch, hard cheese, peanut butter, all constipational. The Warden stated that Muslims will only be served meat once a day. The meals are served cold, gurel put together, with inadequate portions, half cooked unseasoned noodles, of no nutritious value, the warden and CCA are aware of such cruel and unusual punishment but deliberately fails to fix these deplorable conditions.

By participating in this cruel and unusual religious diet program the plaintiff is also denied the right to purchase halal meat through canteen or any other halal products.

The Warden has also denied the plaintiff this right as well, further extending his cruel and unusual punishment to Muslims here at "NFCF" and has denied the right to a wholesome complete halal diet which is serving meat in all three meals just like other religions such as Jews and the general inmate population who receives all the rights freely. This also violates the Equal Protection Clause.

The Plaintiff because of such cruel and unusual meals received on 7/20/11 Milk Magnesia and the doctors explained that if I stayed on such diet the milk magnesia would cause me to not have a healthy bowel movement. The meals are so cruel and unusual even Chaplin Michelson who have tried very hard to change this said he wouldn't even eat such meal and showed the kitchen management, who reiterated that that's what CCA provides and nothing else, Mr. Griffin.

On or about 2/27/10 Plaintiff requested another grievance to try all over again, but was informed by staff that the grievance pursuant to CCA Policy see Exhibit (F) was no longer being used, and was handed a State of California CDCR Form 22 request form, I used the form according to its rules see exhibit (G) which requires a response in 7 days from a superior officer. That response also was never answered.

On or about 4/16/11 Plaintiff questioned warden regarding his response on or about 4/16/2011, the Fred E. Figueroa stated: "you are scheduled for a personal meeting with myself in the Chapel. On 4/20/2011 at 1:pm. Exhibit (H) Plaintiff and another Muslim inmate named ERIC DOTSON, because we both represent the Muslim community here. Warden Fred E. Figueroa, Chief Werner, accompanied by B. Barton the grievance coordinator, and said these are last instructions to you and take heed (U): All your request are denied, and this form 22 is for California not Oklahoma. When I asked then what can I do since you don't have a grievance procedure he said "I don't know". (2) You eat what ever we feed you, your an inmate. (3) Stop bothering us with the grievances you should stop. (4) You cannot use your Muslim name here. I asked Warden Fred E. Figueroa, is it a policy of CCA to deny muslims our religious rights and to subject us to cruel and unusual punishment for doing so or requesting to be accommodated he stated "look were done here now go back to your unit."

To date the plaintiff is still suffering and the Warden Fred E. Figerona and CCA are not only practicing and instructing such cruel and unusual common practices, but are also discriminate against the plaintiff and other Muslims seeing that we are the only ones being targeted. Plaintiff filed a CDCR 602 class action to the highest level and see exhibit (H).

Mr. Griffin assistant food service director, has been personally involved with the conspiracy to subject to cruel and unusual punishment, denying Muslim wholesome nutritious diets, by serving gruel mushy meals to Muslims. Plaintiff and other Muslims have been complaining but nothing being done. On 11/8/11 plaintiff grieved again, because of being denied a wholesome diet. See menu for inmate serving. Exhibit (M). Muslims have not been receiving anything on this menu, our food is completely different from what the rest of the inmate population are receiving, and are completely denying the Muslims fair treatment and, subjecting us to cruel and unusual punishment. See Exhibit (N).

The plaintiff and other Muslims are being starved deprived of constitutional right, discriminated against, and subjected to cruel and unusual punishment. The Warden are aware of these facts and fails to correct these problems. Chaplin Michaleson has exhausted him self trying to change our condition, but even he has had no avail. We have also been denied the right to have a Muslim prepare our Islamic halal diet further demonstrating discriminating, and subjecting us to cruel and unusual punishment.

CLAIM III.

Denial of Access to the
Courts, and Denial of legal services
Do to religious Discrimination for
Using His Muslim Name

Plaintiff has and is still being denied adequate, effective meaning full access to the courts. CCA and it's conspiring warden

and has failed to hire trained library staff to provide legal assistance to inmates with legal deadlines, and those who wish to challenge their convictions, prison condition or present claims for violations of Constitutional deprivation. It also fails to provide physical access to law library during lock down and allows its untrained personal acting under color of authority to deny PLU status or take so long to grant PLU (priority library use) that when granted it is so close to the deadline that inmates are given no choice but to file inadequate non-effective or futile claims. To prove these facts: Plaintiff has suffered actual harm because of these Constitutional deprivation in his custody matter. Where because of not being able to file a response to his divorce matter has subjected the plaintiff to lost of the custody of his children and denied physical contact, and only visitation. See exhibit (J) Plaintiff will also suffer imminent harm to his criminal conviction do to being denied library access due to his deadline to file a writ of habeas corpus by Jan. 11 2012. Ms. West an unexperienced law librarian has conspired with her boss in denying my access stating that "it is not 30 days from the deadline". So plaintiff has only 30 days to study the habeas corpus procedure, case law, and filing the application without adequate legal help, not even from a jailhouse experienced lawyer. See exhibit (K) Ms. West and her conspiring boss Patricia Macumber has denied plaintiff access to law library because of the usage of his Muslim name, and has taken their orders directly from the Warden Fred E. Figueroa acting under color of authority. The name Wendell Nelson is religiously offensive to me and continuously reminds the plaintiff of slavery of my Moorish forefathers.

Plaintiff contends the following: (1) That he and other Muslims are deprived of Const. rights by defendant "CCA" for failure to provide ~~wholsome~~ halal meals, and Fred E. Figueroa conspiring to deprive Muslims of our first Amend. right to freedom of religious exercise.

(2) Placing a substantial burden by serving a partial halal meal meat one day, deliberate indifference and cruel and unusual punishment, by Fred E. Figueroa, and Kitchen Personal/Management, under his welfare.

(3) CCA and conspiritor Fred E. Figueroa denial of religious exercise to allow the using of his Muslim name,

(4) B. Barton has conspired to allow the usage of plaintiff's Muslim name and conspiracy to cover up such deprivation by not filing grievances. obstruction of justice.

(5) CCA and its conspiritor Fred E. Figueroa has failed to provide adequate, effective access to the courts, by hiring un-trained library staff to handle legal matters for the inmates under his welfare.

(6) Patricia Macumber conspiring to deprive plaintiff to access to the courts and he conspiring librarian Ms. West has caused actual harm in his divorce matter and is posing imminent harm to plaintiff's criminal matter # S9069061.

(7) Patricia Macumber and California out-of-state Correctional Facility and Ms. West has all considered to deny the plaintiff the right to use his Muslim name for requesting important services connected to law library.

All defendants have conspired to place substantial burden on plaintiff's religious exercise. All defendants are sued in their individual and official capacities.

Prayer for Relief

Wherefore, plaintiff request that this honorable court grant the following relief:

A.) Issue declaratory judgement that all defendants violated the United States Constitution when they:

- 1.) CCA and Fred E. Figeroud denied the plaintiff his religious halal diet for a total of six months, and denying plaintiff and other Muslims complete halal meat
- 2.) Subjected plaintiff to cruel and unusual punishment and other Muslims
- 3.) Treated plaintiff with intentional deliberate indifference
- 4.) Denied plaintiff to use his Muslim
- 5.) Denied plaintiff the right to access the courts when it caused actual injury and is causing imminent harm to plaintiff's criminal conviction.
- 6.) Subjected plaintiff to physical injury
- 7.) Subjected to emotional distress, mental distress and mental anguish.
- 8.) That defendants conspired to violate his federal rights by refusing to correct these violations.
- 9.) Kitchen management are physically denying the plaintiff and other Muslims a nutritious balanced meal, consistent with our religious beliefs
- 10.) Denying Muslims the right to wear Kufi Islamic head dress

B.) Issue an injunctive order that defendants refrain from continuing these unconstitutional acts and to refrain from not

1. allowing plaintiff and other Muslims to be allowed to wear Islamic head dress, the usage of Muslim

and to be identified by our Moorish Muslim nationality, not as blacks, name and the wearing of his Islamic Kufi which are his sincere belief and practice, and be able to buy halal products from muslim vendors.

C.) Charge the defendants for the cost of the suit

D.) Grant compensatory damages in the following amount to plaintiff

1.) \$50,000 against defendant Correction Corporations, for being the cause of plaintiff actual injury to his health.

2.) \$50,000 for denying plaintiff his First Amend. rights depriving him of an Islamic halal meat diet for six month period.

3.) \$50,000 for defendant Fred E. Figerona personally carrying out "CCA's" Constitutional deprivations in concert and conspiracy.

4.) \$50,000 for emotional and mental distress

5.) \$50,000 for deliberate indifference.

6.) \$100,000 for Cruel and unusual punishment, pain and suffering.

7.) \$10,000 dollars for deliberate indifference and denial of religious rights.

8.) \$10,000 dollars against B. Barton Conspiracy

9.) \$10,000 dollars against Patricia Macumber Conspiracy

10.) \$10,000 dollars against Ms. West Conspiracy

E.) \$20,000 dollars Mr. Griffin


F.) \$20,000 dollars Punative damages each defendant

G.) Grant such other relief as it may appear the plaintiff is entitled to, or as the court just, proper and equitable.

Pursuant to 42 U.S.C. § 1946, we declare under penalty of perjury that the foregoing is true and correct.

Date: 11/20/11

Respectfully


Abdul-Rahman Nelson-Bey
Secured Party/Creditor of inmate
Wendell-Terry Nelson @ UCC-207
Holder in due-course

Sig.


Erick Dotson K79275

Sig.


Muhammad Ali B-37760

Sig.


Shawn Taylor Allen Filou

Sig.


Vincent Wright F-84205

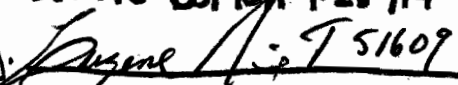
Sig.


Damian Siebert V-88788

Sig.


Leonte Bolton T-28714

Sig.


Eugene Nix T51609